



November 18, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Written comment, MB Docket No. 05-6 (Revision of the Public Notice Requirements of Section 73.3580)

Dear Ms. Dortch:

I am the founder and CEO of a technology company that is working on modernizing public notice. Having spent time at the Harvard Kennedy School and the Shorenstein Center studying the topic, I incorporated a company and recruited a team to tackle this problem earlier in 2019. While given our recent incorporation and activity on this issue qualifies us as a late addition to this process, we believe it is always productive to engage key stakeholders who are doing the important work of evolving how public notification should operate in the twenty-first century.

We believe the stated relaxation of the requirement that stations provide public notice of the filing of various license applications is a small, but notable, move in the wrong direction. I hope to inform the FCC of ongoing efforts to streamline the requirement for public notice while maintaining proactive notification of communities and effectively bolstering journalistic institutions that hold governments and community stakeholders accountable to the public. While broadband licensure application and renewal is a relatively benign shift for the world of public notification, we hope to raise concerns among other parties interested in public notice about the implications of proposals further streamlining public notice of other private and public sector activities.

First of all, we wish to commend the thoughtful approach and stated benefits of digital notification, particularly to the ability of a member of a community to comment on a license application. We do not think this ability is unique to a notice on the station's website, and could very well exist on the digital page of a newspaper or on the aggregated sites of all public notices that operate in most states.

There are two primary benefits of the status quo that are worth articulating, and the spirit of which is worth preserving in any modernization attempt.

First, the affirmative notification of a concerned public is essential. This is contrasted with the passive availability of the notice or the notification to an already captured audience. The nature of a digital notification, unless actively displayed as ads that are (today) cost-prohibitive, is that the notice is only viewed by visitors to a particular webpage and not viewed by the public more widely. Goal-oriented browsing (or listening/watching) by an audience captured by a station's current operators inherently

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limits the viewers and those notified, perhaps to a limited set of folks that wouldn't naturally dispute the renewal of a license. While the rule in question is less of a concern, there are many public notices which would be harmful to a community should they cease to be proactively and affirmatively distributed but rather limited to the webpages of the notifier. For instance, an energy company applying for upstream drilling rights, a bank foreclosing on a home and notifying the time and place of the auction, or the Secretary of State changing the polling places for an election, each exemplify why the websites of the notifier are not sufficient to uphold the spirit of affirmatively notifying a concerned public.

Second, we believe there is an innate benefit to communities for public notification to happen by way of the distribution channel shared and operated by journalistic institutions. A recent Nieman Lab report articulates that while local newspapers account for roughly a quarter of local media outlets, they account for nearly half of the original news reporting in a community*. Public notification flowing directly into the newsrooms of local papers around the country ensures that the institution charged with telling narrative stories about what matters in a community will have ready access to the information that legislative and regulatory bodies have deemed worthy of public notification. There's a reason for that, and this systematic check by the fourth estate is one we ought not to set aside lightly.

While there is an incredible amount of modernization and technological ease to be brought to public notice, we believe that affirmative notification and the direct involvement by local journalistic institutions are a must. We concur with the values articulated by the Public Notice Resource Center that public notice should be independent, archivable, accessible, and verifiable. There are ways for technology to underpin these values, and to underpin a modern system of public notice, but the proposal by the FCC falls short.

We would be happy to engage in this conversation more directly, and I can be reached at the email address below.

Respectfully submitted,

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*<https://www.niemanlab.org/2019/09/local-newspapers-are-suffering-but-theyre-still-by-far-the-most-significant-journalism-producers-in-their-communities/>